

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

TYSON FOODS, INC., et al, )

Defendants. )

4:05-CV-00329-TCK-SAJ

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THE VIDEOTAPED DEPOSITION OF  
CHARLIE DELAP, produced as a witness on behalf of  
the Plaintiff in the above styled and numbered  
cause, taken on the 22nd day of August, 2008, in the  
City of West Siloam Springs, County of Delaware,  
State of Oklahoma, before me, Lisa A. Steinmeyer, a  
Certified Shorthand Reporter, duly certified under  
and by virtue of the laws of the State of Oklahoma.

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1 initiated and, again, I'm going to talk generalities  
2 because I have no dates or times or exact, but we  
3 all woke up to the fact that there was sweepings  
4 that -- and it had happened a time or two before I  
5 found out about it, but I did know about it early 11:12AM  
6 on, and just thought that that was an okay thing and  
7 didn't -- did not make any decision to stop that  
8 practice.

9 Q Was -- so I'm clear, the compost bins or  
10 receptacles that are used for the composting, they 11:12AM  
11 had been spread on the fields before; correct?

12 A Yes, sir.

13 Q And was that continuing to occur after the  
14 decision in 2005 to haul the waste away?

15 A Yes, sir. It was Cargill's policy that we 11:13AM  
16 weren't going to spread any, quote, litter directly  
17 out of the turkey houses on any Cargill property,  
18 but it was acceptable that litter, once it was put  
19 in a composter and used as compost, that it was  
20 acceptable to spread on the property. 11:13AM

21 Q Who conveyed that policy or decision to you to  
22 do that?

23 A To the best of my recollection, it was Tim  
24 Alsup.

25 Q Okay, and did Mr. Alsup -- Mr. Alsup was 11:13AM

1 discharged told me over the phone that if I needed a  
2 letter, I was more than welcome to call him, that he  
3 would not say anything to keep me from gaining  
4 employment.

5 Q Okay. Did anyone at Cargill assist you in 11:17AM  
6 getting your position at Ag Forte?

7 A No, sir.

8 Q We're going to have to take a break. I've got  
9 a few more questions but we should be able to finish  
10 this up in the next -- within the next hour. 11:17AM

11 VIDEOGRAPHER: We are now off the Record.  
12 The time is 11:17 a.m.

13 (Following a short recess at 11:17  
14 a.m., proceedings continued on the Record at 11:25  
15 a.m.) 11:24AM

16 VIDEOGRAPHER: We are back on the Record.  
17 The time is 11:25 a.m.

18 Q Mr. Delap, were you ever told by anyone not to  
19 apply, land apply the sweepings that came from the  
20 poultry barns? 11:25AM

21 A No, sir.

22 Q We've looked at several manuals having to deal  
23 with water quality and nutrient management planning.  
24 Tell me what environmental training have you been  
25 provided at any time while working at Cargill. 11:25AM

1 MR. GARREN: I pass the witness. At that  
2 point what it means is now the other lawyers get a  
3 chance to ask you some questions if they choose, and  
4 I may have a couple of questions based on what  
5 they've asked, and we'll be done. So I'll pass the 11:28AM  
6 witness.

7 CROSS EXAMINATION

8 BY MR. TUCKER:

9 Q I have one question, one or two questions, Mr.  
10 Delap. You mentioned that starting in 2005, the 11:29AM  
11 company policy for Cargill was that all litter was  
12 to be hauled out of the breeder farms, out of the  
13 watershed someplace else?

14 A Yes, sir.

15 Q And at that time did you consider -- when the 11:29AM  
16 sweepings started, that was sometime later than  
17 that; right?

18 A Yeah, about a year and a half later probably.

19 Q Which would have been in like '07?

20 A Yes, sir. 11:29AM

21 Q When the sweepings policy was instituted by  
22 Dr. Woo-ming, did you in your mind consider those  
23 sweepings to be litter?

24 MR. GARREN: Objection, form.

25 A No. It was something -- I never even 11:29AM